IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3444 OF 2006
IN
INCOME TAX APPEAL LODGING NO.1925 OF 2006

The Commissioner of Income Tax. ..Appellant.
Vs.
M/s. DCW Limited. ..Respondent.

Mr.P.S.Sahadevan for the Appellant.

Mr. Jitendra Singh for the Respondent.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 3RD DECEMBER,2007.

PC :

1. This is a Notice of motion for condoning 673-days delay in filing the aforesaid income tax appeal. On perusal of the affidavit in support of the Notice of Motion, it is seen that after obtaining Chief CIT's approval on 5.11.2005 for filing the appeal, the file was sent to the Advocate and ultimately to the panel counsel for drafting the appeal memo. The draft of the appeal memo was received from the panel counsel on 5.9.2006. In our opinion, the delay between 5.11.2005 and 5.9.2006 has not been properly explained. The cause shown is not sufficient cause. Hence, Notice of motion is dismissed.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**

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1. As the Notice of motion for condonation of delay has been dismissed, the appeal also stands dismissed. Refund of court fee as per rules. Certified copy expedited.

(R.S. MOHITE, J.) **(F.I. REBELLO, J.)**